

TULSA METROPOLITAN AREA PLANNING COMMISSION

Minutes of Meeting No. 2476

Wednesday, April 4, 2007, 1:30 p.m.

Francis Campbell City Council Room

Plaza Level, Tulsa Civic Center

Members Present	Members Absent	Staff Present	Others Present
Ard	Bayles	Alberty	Boulden, Legal
Cantees	Carnes	Fernandez	
Cantrell	Harmon	Huntsinger	
Midget	Miller	Matthews	
Shivel			
Wofford			

The notice and agenda of said meeting were posted in the Reception Area of the INCOG offices on Friday, March 30th, 2007 at 3:18 p.m., posted in the Office of the City Clerk, as well as in the Office of the County Clerk.

After declaring a quorum present, Chair Ard called the meeting to order at 1:41 p.m.

REPORTS:

Comprehensive Plan Report:

Ms. Cantrell reported that the steering committee has had their second meeting and not a whole lot has transpired. There will be a meeting with different boards and authorities starting next week to have some open-ended discussions on what people envision for the City of Tulsa.

Director's Report:

Mr. Alberty reported on the BOCC and City Council agendas.

Minutes:

Approval of the minutes of March 21, 2007 Meeting No. 2474

On **MOTION** of **SHIVEL**, the TMAPC voted 6-0-0 (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to **APPROVE** the minutes of the meeting of April 4, 2007, Meeting No. 2474.

Mr. Ard announced that there have been some continuances requested:

Z-7035 – Richard Gardner

RS-3 to CS

9707-9709 East 62nd Street, 6139 South Mingo (**Continued** (PD-18C) (CD-6) from 3/21/07)

STAFF RECOMMENDATION:

Ms. Matthews stated that the applicant has discovered that there is more property that he wishes to rezone and this will require a new notice and legal description. June 6, 2007 will be the earliest this case could be heard.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WOFFORD**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to **CONTINUE** Z-7035 to June 6, 2007.

PUD-737 – Tulsa Engineering & Planning Associates, Inc.

AG to RS-3/CS/PUD

Southeast corner of intersection of East 11th Street South and South 161st East Avenue (PUD proposes residential development with five-acre commercial node.) (**Continued** from 3/7/07) (**Straight zoning Z-7045 has not been transmitted due to lack of correct legal description so this case cannot be heard at this time.**) (PD-17) (CD-6)

STAFF RECOMMENDATION:

Ms. Matthews stated that staff has been waiting for a legal description for the straight zoning that is related to this PUD before transmitting to the City Council. Z-7045 was transmitted 4/3/07 to the City Council, but has not been heard by the City Council at this time. The PUD should be continued to June 6, 2007.

INTERESTED PARTIES:

Charlotte Ker, 17401 East 11th Street, 74108, speaking for Klea Myers (Mother), stated that she is unfamiliar with the process. Ms. Ker indicated that she spoke with the City Council Attorney and he informed her that Z-7045 had been sent back to the TMAPC and wouldn't hear it until the TMAPC re-voted on the zoning and PUD.

After a lengthy discussion it was determined that the City Council hadn't returned Z-7045 to the TMAPC and that the associated PUD-737 should be continued to June 6, 2007.

TMAPC Action; 6 members present:

On **MOTION** of **SHIVEL**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to **CONTINUE** PUD-737 to June 6, 2007.

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Mr. Ard announced that Z-7053 will be moved to the end of the agenda, prior to Other Business, due to the applicant having to be at a separate City meeting.

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CONSENT AGENDA

All matters under "Consent" are considered by the Planning Commission to be routine and will be enacted by one motion. Any Planning Commission member may, however, remove an item by request.

- a. **L-20078** – Rod Davidson (8332)/**Lot-Split** (PD-26) (CD-8)
11136 South Harvard
- b. **L-20079** – Laura Frossard (2318)/**Lot-Split** (County)
16301 North Utica
- c. **L-20084** – Robert Horrigan (7408)/**Lot-Split** (County)
13145 South 121st East Avenue
- d. **L-20085** – April Allen (2302)/**Lot-Split** (County)
7721 East 176th Street North

TMAPC COMMENTS:

The Planning Commission considered the consent agenda.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to **APPROVE** the consent agenda Items 2.a. through 2.d. per staff recommendation.

Mr. Ard read the opening statement and rules of conduct for the TMAPC meeting.

PUBLIC HEARING

Woodland Hills Courtyard by Marriott – Preliminary Plat (PD-18) (CD-7)
(8301)

West of the Northwest corner of South Mingo Road and East 71st Street South

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 3.1 acres.

The following issues were discussed March 15, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned PUD-736 (477). All PUD standards must be shown in the covenants and followed. The mutual access easement must be filed before final plat approval. Sidewalks will be provided per the PUD standards. Any underlying plat needs to be vacated.
2. **Streets:** The 30-foot mutual access easement should be placed in a reserve as a private street, and the document number of the dedication will need to be shown on the final plat. In Section II. Planned Unit Development restrictions, some language for access provisions should be included that reasonably represents the access paragraph presented for the PUD approval, including language for sidewalks. Sidewalks along north as required by PUD approval are not shown. Recommend that the access roadway and sidewalks, including sidewalk to the mall ring road, be constructed prior to plat approval. Recommend a 26-foot paving width due to bus access to the hotel per PUD comments. The street in the mutual access easement needs to just clearly assign the maintenance for the road and that it will be inspected by the City and built to City standards. The road needs to be in for fire protection purposes and before the building permit for vertical construction.
3. **Sewer:** Increase the utility easement along the south property line to a 17.5-foot utility easement. If you need a restricted waterline easement along the east property line, you must locate it outside of the existing utility easement. The off-site sanitary sewer must be in a minimum 15-foot wide easement.
4. **Water:** On the southeast boundary of the plat clarify the area between the restrictive waterline easement and utility easement. In order to stay away from the two-inch gas line, on the water line use two 45 degree bends and a diagonal 15-foot restrictive waterline easement.

5. **Storm Drainage:** Add a note to the face of plat which states that, "Stormwater detention for this platted area is provided offsite at the existing Woodland Hills stormwater detention facility. Separate instrument storm sewer easements on adjacent property to west must be shown before final plat approval. Along the west boundary to the plat, the private storm sewer is shown as being placed in the substandard 11-foot utility easement. The line must be a public storm sewer to be placed in the utility easement, and the minimum easement width for storm sewers is 15 feet.
6. **Utilities: PSO, Telephone, ONG, Cable:** Clarify where utilities can cross easements and where they can not cross.
7. **Other: Fire:** No comment. **GIS:** Add north arrow and point of beginning to face of plat, and add point of beginning to legend.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.

5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.
12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.

19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to recommend **APPROVAL** of the preliminary plat for Woodland Hills Courtyard by Marriott, subject to sidewalks being completed prior to occupancy, and subject to special conditions and standard conditions per staff recommendation.

Stonebrooke Estates – Preliminary Plat (8211)

(PD-8) (CD-2)

West of the northwest corner of Elwood Avenue and West 81st Street South

STAFF RECOMMENDATION:

This plat consists of 88 lots, three blocks, on 41.4 acres.

The following issues were discussed March 15, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3. An aviation easement and airport approval by release letter will be necessary. Coordinate with transportation planner about trail and pedestrian easements and access. Watch for excessive block lengths.
2. **Streets:** Evaluate the angle of intersect for the intersection of 78th Place and Indian Avenue (+/- 90 degrees is required). Label and dimension a "Reserve" for the Houston Avenue entry island. Include standard language for Limits of No Access. Maintain a 36-foot collector width for Houston Avenue to 79th Street. Create two outbound lanes on Houston with a 100-foot minimum approach striping. Pedestrian access should be considered near lots 22/23 near Reserve Area.
3. **Sewer:** The new Tulsa Hills project has approved plans to install an eight-inch sanitary sewer line adjacent to your east property line. You should contact Chris Everett with Carter-Burgess to coordinate construction of that line, so properties adjacent to that line can connect to it.
4. **Water:** No comment.
5. **Storm Drainage:** Hager Creek FEMA Floodplain needs to be labeled as such, removed from Reserve C and placed in a separate Reserve as an Overland Drainage Easement. If construction of stormwater detention facilities requires additional fill in the Tulsa Regulatory Floodplain, then Compensatory Storage Easements may be required. Both the plat and the conceptual plan show Reserve B as a stormwater detention easement, therefore it should not be addressed in the covenants as an overland drainage easement. A 404 permit may be necessary.
6. **Utilities: Telephone, PSO, ONG, Cable:** Additional easements will be necessary. Conduit may be needed over the drainage areas.
7. **Other: Fire:** No comment. **GIS:** Correct scale bar. Show surveyors' e-mail address. Not clear on date of preparation.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.

24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

TMAPC COMMENTS:

In response to Mr. Wofford, Mrs. Fernandez stated that the sidewalks will be addressed during final plat regarding Lots 22 and 23 near the reserve area.

Mr. Ard questioned the one entrance into the subdivision. In response, Mrs. Fernandez stated that this question may come up further in today's agenda. There is another part to the southeast (Reserve at Stonebrooke) which will bring up the access question. Staff is in agreement that there should be another access, but per this particular plat, everyone is comfortable with the proposal.

Darryl French, Traffic Engineering, 200 Civic Center, representing TAC, stated that the subdivision to the north has been platted, filed of record and the bridge is currently under construction under a PFPI. The bridge will be completed long before the subject project is completed and there will be two full points of access and in the PUD that will be heard later today is for an emergency access as their second point of access.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to recommend **APPROVAL** of the preliminary plat for Stonebrook Estates, subject to special conditions and standard conditions per staff recommendations.

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Overland Park Phase II – Preliminary Plat (2322)

(County)

North of the northwest corner of 59th East Avenue and East 146th Street North

STAFF RECOMMENDATION:

This plat consists of 26 lots, two blocks, on 43.61 acres.

The following issues were discussed March 15, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RE. The cul-de-sac may be too long with this next phase of development and a waiver will be necessary unless there is a stub street used at the north part of the plat. The County Engineer and Planning staff will work with the developer on the stub street locations. Keep floodplain on plat.
2. **Streets:** No comment.
3. **Sewer:** Septic systems are proposed.
4. **Water:** Rural Water District #3 will serve water.
5. **Storm Drainage:** FEMA floodplains and floodways should be labeled as such, and the label should contain the name of the creek. The floodplains should be totally contained inside a Reserve and the Reserve should contain an additional 20 feet outside and adjacent to the floodplain for maintenance access. An approved CLOMAR is required prior to the approval of any changes to the FEMA floodplain within this plat area. The stormwater detention easement for a residential subdivision should be placed in a separate Reserve. An overland drainage easement is required for the conveyance of the offsite drainage flowing onto the site from the west, across Lots 3 and 4 of Block 1. Please include all symbols and abbreviation being used on the plat in the legend. If D/E is overland drainage easement, then it is not acceptable to place utilities in an overland drainage easement. The drainage flowing onto this site from Overland Park I is public water, and should be conveyed to the floodplain in an overland drainage easement or a storm sewer easement. Add the necessary standard language for the Reserves, Stormwater Detention Maintenance, and Overland Drainage Easements. How is the drainage conveyed from the outlet structure for the Stormwater Detention Facility to the FEMA floodplain?
6. **Utilities: Telephone, PSO, ONG, Cable:** No comments.
7. **Other: Fire:** A release letter from the Fire Department serving the subdivision will be required. **GIS:** Complete key/location map. Show "Basis of Bearing." Move plat name and legal description to top of plat. In Covenants move "legal description" up above Article F. Place Covenants on a second page (too small). **County Engineer:** Flood plain along north side needs to be defined as drainage easement to restrict building. Need language regarding the detention pond – possibly place it in a reserve area – to be maintained by Homeowners' Association. For future circulation and a future second point of access, need stub streets to the east and west. Street names and addresses will be provided by E-911.

Staff recommends **APPROVAL** of the preliminary subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to recommend **APPROVAL** of the preliminary plat for Overland Park Phase II, subject to special conditions and standard conditions per staff recommendation.

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Gilcrease Museum South – Minor Subdivision Plat (0223) (PD-11) (CD-1)

South of West Newton Street, West of North 25th West Avenue

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 2.46 acres.

The following issues were discussed March 1, 2007 and March 15, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned RS-3 with BOA-20385 approved on 12/12/06 for a parking lot use. The City Attorney will need to approve of covenant language.
2. **Streets:** Add arrowheads at section line to the statutory right-of-way dimension lines. Include prefixes for both street names.
3. **Sewer:** No comment.
4. **Water:** No comment.
5. **Storm Drainage:** No comment.
6. **Utilities: Telephone, PSO, ONG, Cable:** No comment.
7. **Other: Fire:** No comment.

Staff recommends **APPROVAL** of the minor subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to recommend **APPROVAL** of the minor subdivision plat for Gilcrease Museum South, subject to special conditions and standard conditions per staff recommendation.

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ONG Addition – Minor Subdivision Plat (1333)

(County)

Northwest corner of Whirlpool Drive and East 66th Street North

STAFF RECOMMENDATION:

This plat consists of one lot, one block, on 9.73 acres.

The following issues were discussed March 15, 2007 at the Technical Advisory Committee (TAC) meeting:

1. **Zoning:** The property is zoned IL.
2. **Streets:** Change the access points along Yale from 60 feet to 40 feet to be consistent with the site plan. Dimension the right-of-way along 66th Street North just west of the point of beginning.
3. **Sewer:** No comment.
4. **Water:** Add standard language for the restricted water line easement.
5. **Storm Drainage:** Please label the stormwater detention easement as such. It is not acceptable to place utilities in overland drainage easements, the two should be placed in separate easements. Please use the standard language for stormwater detention easements and overland drainage easements.
6. **Utilities: Telephone, PSO, ONG, Cable:** No comment.
7. **Other: Fire:** No comment.

Staff recommends **APPROVAL** of the minor subdivision plat subject to the TAC comments and the special and standard conditions below.

Waivers of Subdivision Regulations:

1. None requested.

Special Conditions:

1. The concerns of the Public Works Department staff must be taken care of to their satisfaction.

Standard Conditions:

1. Utility easements shall meet the approval of the utilities. Coordinate with Subsurface Committee if underground plant is planned. Show additional easements as required. Existing easements shall be tied to or related to property line and/or lot lines.
2. Water and sanitary sewer plans shall be approved by the Public Works Department prior to release of final plat. (Include language for W/S facilities in covenants.)
3. Pavement or landscape repair within restricted water line, sewer line, or utility easements as a result of water or sewer line or other utility repairs due to breaks and failures shall be borne by the owner(s) of the lot(s).
4. Any request for creation of a Sewer Improvement District shall be submitted to the Public Works Department Engineer prior to release of final plat.
5. Paving and/or drainage plans (as required) shall be approved by the Public Works Department.
6. Any request for a Privately Financed Public Improvement (PFPI) shall be submitted to the Public Works Department.
7. A topography map shall be submitted for review by TAC (Subdivision Regulations). (Submit with drainage plans as directed.)
8. Street names shall be approved by the Public Works Department and shown on plat.
9. All curve data, including corner radii, shall be shown on final plat as applicable.
10. Bearings, or true N/S, etc., shall be shown on perimeter of land being platted or other bearings as directed by the County Engineer.
11. All adjacent streets, intersections and/or widths thereof shall be shown on plat.

12. It is recommended that the developer coordinate with the Public Works Department during the early stages of street construction concerning the ordering, purchase and installation of street marker signs. (Advisory, not a condition for plat release.)
13. It is recommended that the applicant and/or his engineer or developer coordinate with the Tulsa City/County Health Department for solid waste disposal, particularly during the construction phase and/or clearing of the project. Burning of solid waste is prohibited.
14. The method of sewage disposal and plans therefor shall be approved by the City/County Health Department. [Percolation tests (if applicable) are required prior to preliminary approval of plat.]
15. The owner(s) shall provide the following information on sewage disposal system if it is to be privately operated on each lot: type, size and general location. (This information to be included in restrictive covenants on plat.)
16. The method of water supply and plans therefor shall be approved by the City/County Health Department.
17. All lots, streets, building lines, easements, etc., shall be completely dimensioned.
18. The key or location map shall be complete.
19. A Corporation Commission letter, Certificate of Non-Development, or other records as may be on file, shall be provided concerning any oil and/or gas wells before plat is released. (A building line shall be shown on plat on any wells not officially plugged. If plugged, provide plugging records.)
20. A "Letter of Assurance" regarding installation of improvements shall be provided prior to release of final plat. (Including documents required under 3.6.5 Subdivision Regulations.)
21. Applicant is advised of his responsibility to contact the U.S. Army Corps of Engineers regarding Section 404 of the Clean Waters Act.
22. All other Subdivision Regulations shall be met prior to release of final plat.
23. All PUD standards and conditions shall be included in the covenants of the plat and adequate mechanisms established to assure initial and continued compliance with the standards and conditions.
24. Private streets shall be built to City or County standards (depending upon the jurisdiction in which the plat is located) and inspected and accepted by same prior to issuance of any building permits in the subdivision.

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **WOFFORD**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to recommend **APPROVAL** of the minor subdivision plat for ONG Addition, subject special conditions and standard conditions per staff recommendation.

* * * * *

Z-7050 – Plat Waiver (8301)

(PD-18) (CD-7)

West and north of the northwest corner of South Mingo Road and East 71st Street South

STAFF RECOMMENDATION:

The platting requirement is being triggered by a rezoning to CS.

Staff provides the following information from TAC at their March 15, 2007 meeting:

ZONING:

TMAPC staff:

STREETS:

Question # 5 – No. The proposed tract currently has Limits of No Access on 71st Street South. Any change in ownership (via Lot-Split or other) of this tract would require various easements by separate instrument describing the mutual access, maintenance and/or ownership of the portion of the signalized, north-south access road that is physically split by the east side of this tract (the westernmost or third lane).

SEWER:

No comment.

WATER:

No comment.

STORM DRAIN:

No comment.

FIRE:

Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Exceptions: 1.) For Group R-3 and Group U occupancies, the distance requirement shall be 600 feet. 2.) For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.1, the distance requirement shall be 600 feet.

UTILITIES: No comment.

Staff recommends **APPROVAL** of the plat waiver.

A YES answer to the following 3 questions would generally be FAVORABLE to a plat waiver:

	Yes	NO
1. Has Property previously been platted?	X	
2. Are there restrictive covenants contained in a previously filed plat?	X	
3. Is property adequately described by surrounding platted properties or street right-of-way?	X	

A YES answer to the remaining questions would generally NOT be favorable to a plat waiver:

	YES	NO
4. Is right-of-way dedication required to comply with Major Street and Highway Plan?		X
5. Would restrictive covenants be required to be filed by separate instrument if the plat were waived?		X
6. Infrastructure requirements:		
a) Water		
i. Is a main line water extension required?		X
ii. Is an internal system or fire line required?		X
iii. Are additional easements required?		X
b) Sanitary Sewer		
i. Is a main line extension required?		X
ii. Is an internal system required?		X
iii. Are additional easements required?		X
c) Storm Sewer		
i. Is a P.F.P.I. required?		X
ii. Is an Overland Drainage Easement required?		X
iii. Is on site detention required?		X
iv. Are additional easements required?		X

- | | | |
|-----|---|---|
| 7. | Floodplain | |
| | a) Does the property contain a City of Tulsa (Regulatory) Floodplain? | X |
| | b) Does the property contain a F.E.M.A. (Federal) Floodplain? | X |
| 8. | Change of Access | |
| | a) Are revisions to existing access locations necessary? | X |
| 9. | Is the property in a P.U.D.? | X |
| | a) If yes, was plat recorded for the original P.U.D. | |
| 10. | Is this a Major Amendment to a P.U.D.? | X |
| | a) If yes, does the amendment make changes to the proposed physical development of the P.U.D.? | |
| 11. | Are mutual access easements needed to assure adequate access to the site? | X |
| 12. | Are there existing or planned medians near the site which would necessitate additional right-of-way dedication or other special considerations? | X |

There were no interested parties wishing to speak.

The applicant indicated his agreement with staff's recommendation.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to **APPROVAL** the plat waiver for Z-7050 per staff recommendation.

Tulsa Hills – Authorization for Accelerated Release of Building Permits (8211)

(PD-8) (CD-2)

East of US 75, between West 71st and West 81st Streets

The property is zoned CO Site Plan Z-7008-SP-1. Four full permits are requested. A preliminary plat has been approved for the site on July 5, 2006.

Review of this application must focus on the extraordinary or exceptional circumstances that serve as a basis for the request and must comply in all respects with the requirements of the approved preliminary plats per Section 2.5 of the Subdivision Regulations.

The applicant offers the following explanation of the extraordinary and exceptional circumstances that serve as the basis for this request: See attached explanation.

The following information was provided by the Technical Advisory Committee in its meeting March 15, 2006.

ZONING:

TMAPC Staff: Full permits are requested.

STREETS:

Public Works, Transportation: No comments.

Public Works, Traffic: No comments.

SEWER:

Public Works, Waste Water: Building permits will not be allowed over existing sanitary sewer lines before the lines have been abandoned by the City of Tulsa.

WATER:

Public Works, Water: No comments.

STORM DRAIN:

Public Works, Storm Water: Blocks 6 and 7 may require an approved drainage plan design of Stormwater Detention Facilities by PFPI, prior to the release of building permits.

FIRE:

Public Works, Fire: No comments.

UTILITIES:

Franchise Utilities: No comments.

The accelerated building permits were originally designed to accommodate large campus style type of developments and should concentrate upon "the benefits and protections to the City that may be forfeited by releasing the building permit prior to the filing of the plat". These requested permits adhere to this ideal. Staff recommends approval of the authorization to release the accelerated permits with the conditions as commented by the Technical Advisory Committee.

The applicant indicated his agreement with staff's recommendation.

There were no interested parties wishing to speak.

STAFF COMMENTS:

Mr. Alberty stated that he would like to make a brief comment. This process is reserved for exceptional and extraordinary circumstances. Staff believes that at this point in the platting process, these permits probably qualify. However, staff would take a serious look at any further requests for this project. Staff believes that this preliminary plat was approved eight months ago and the engineers need to proceed with the final plat. Mr. Alberty concluded that he hopes that this will be their last request.

TMAPC Action; 6 members present:

On **MOTION** of **WOFFORD**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to **APPROVAL** the authorization for accelerated release of building permits for Tulsa Hills per staff recommendation.

* * * * *

Riverview Park Estates – Final Plat (8329)

(PD-26) (CD-8)

South of the southeast corner of East 101st Street South and Delaware Avenue (continued from 3/21/07 meeting)

STAFF RECOMMENDATION:

This plat (phase one) consists of 62 lots in three blocks on 15 acres.

The newest version of Riverview Park Estates has been submitted (Exhibit B-1). There have been two Public Works meetings with Mr. Sack regarding this project and the concern about the right-of-way along Delaware Avenue. Planning staff, Mr. Rauchwerger and his attorney's have met with everyone at least one time. He may have some concerns regarding the right-of-way.

Mrs. Fernandez stated that there is a question about the amount of right-of-way to be dedicated and exactly where the centerline of Delaware is located. There is some history to this particular area and she would like the Planning Commission to hear from Darryl French, Traffic Engineering.

Mrs. Fernandez stated staff and Public Works are comfortable recommending approval of the final plat.

Applicant's Comments:

Ted Sack, Sack & Associates, 111 South Elgin Avenue, Tulsa, Oklahoma 74120, submitted the revised copies of the plat per the latest meeting with Public Works and staff (Exhibit B-1). Mr. Sack stated that he would be happy to address any

questions or comments that the Planning Commission or Mr. Rauchwerger may have.

TMAPC COMMENTS:

Mr. Ard asked if the plat that Mr. Sack submitted is identical to the one that Mrs. Fernandez submitted. In response, Mr. Sack stated that it is the same and there are no changes between the two copies.

INTERESTED PARTIES:

Joram Rauchwerger, 7410 South 86th East Court, 74147, stated that he owns property west of Riverview Park Estates. Mr. Rauchwerger confirmed that he had the same copy of the final plat that the Planning Commission had (Exhibit B-1). He asked if this is the final version or will there be more changes to the plat in area.

Mr. Ard stated that the agenda refers to this as being the final plat and that is what the Planning Commission is voting on. There is a possibility for amendments to come forward in the future, but today the issue is the final plat.

Mr. Ard asked Mr. Rauchwerger if the revised final plat alleviate any of his concerns relating to the setback and centerline issues. In response, Mr. Rauchwerger stated that as long as the revised plat that was drafted 4/3/07 is the plat that is being voted on today, he has no further questions. In response, Mr. Ard confirmed that the submitted revised plat is the one being voted on today. Mr. Rauchwerger stated he has no issues with the revised plat as long as there are no changes to it.

Applicant's Rebuttal:

Mr. Sack stated that the revised plat he submitted today is the final plat. The changes were made per the final meetings held with Public Works and addressed Mr. Rauchwerger's concerns.

Mr. French indicated that he is in agreement with the final plat as well.

TMAPC Action; 6 members present:

On **MOTION** of **MIDGET**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to **APPROVAL** the final plat for Riverview Park Estates (Exhibit B-1) per staff recommendation.

* * * * *

Application No.: PUD-739

RS-3 to RS-3/PUD

Applicant: Tulsa Engineering & Planning Associates, Inc. (PD-8) (CD-2)

Location: Northwest corner West 81st Street South and South Elwood Avenue

STAFF RECOMMENDATION:

Z-7008-SP-1/Z-6966-SP-1/Z-6967-SP-1 March 2006: All concurred in approval of a Corridor Site Plan on 176± acres to permit a regional shopping center known as the Tulsa Hills site with a total of 1,554,194 square feet of maximum building floor area approved at a .25 floor area ratio. On property located east of US Highway 75 between West 71st and West 81st Streets and northwest of subject property.

Z-7008 March 2006: All concurred in approval of a request to rezone a 43.6+ acre tract from AG/RS-3 to CO on property located East side of U. S. Highway 75 South between West 71st Street South and West 81st Street South for regional shopping center known as Tulsa Hills.

Z-6966 February 2005: Approval was granted on a request to rezone a seventy-two acre tract located on the southeast corner of West 71st Street South and U. S. Highway 75 South from AG to CO. An accompanying recommendation was to amend the District Plan map to reflect the CO rezoning, which will be done when the annual plan updates are processed.

Z-6967 February 2005: Approval was granted on a request to rezone the sixty-two acre tract located on the northeast corner of West 81st Street South and U. S. Highway 75 South, from AG to CO.

Z-6942 May 2004: TMAPC and Staff concurred in denial of a request to rezone a 60+ acre tract from IL to RS-3 for a single-family subdivision on property located east of northeast corner of West 81st Street and South Elwood. The request was appeal to City Council and was denied.

Z-6871 November 2002: All concurred in approval of a request to rezone a 141-acre tract located on the northwest corner of West 81st Street and South Elwood Avenue and the subject property, from AG to RS-3 for residential development.

Z-6858/PUD-660 July 2002: All concurred in approval of a request to rezone a 2.2+ acre tract from AG to CS/PUD and a Planned Unit Development for commercial uses on property located east of the southeast corner of South Elwood Avenue and West 71st Street.

PUD-636/Z-5457-SP/Z-4825-SP October 2000: Approval was granted, subject to conditions of the PUD, for a Planned Unit Development on a 108-acre tract located on the northwest corner of West 81st Street South and South Highway 75. The proposed uses include single-family and townhouse dwellings and commercial uses.

Z-6679 March 1999: All concurred in approval of a request to rezone a 9.8-acre tract located east of the southeast corner of West 81st Street and South Elwood Avenue and abutting the subject property on the west, from AG to IL for a proposed auto sales business.

Z-6251 August 1989: All concurred in approval of a request to rezone three parcels containing one acre each and located south of the southwest corner of West 71st Street South and South Jackson Avenue, from RS-3 to AG.

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 24.95 acres in size and is located northwest corner of West 81st Street South and South Elwood Avenue. The property appears to be vacant and wooded, and is zoned RS-3.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
West 81 st Street	Secondary Arterial	100'	two
South Elwood Avenue	Secondary Arterial	100'	two

UTILITIES: The subject tract has municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by mostly vacant some residential and, zoned AG; on the north by residential lots, zoned RS-3; on the south by residential use, zoned AG; and on the west by vacant zoned RS-3.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 8 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity-No Specific land use at the corner, and Low Intensity-No Specific land use north and west of the corner.

STAFF RECOMMENDATION:

The applicant is proposing a gated single-family residential subdivision with a maximum of 43 dwelling units on a 25-acre tract located west of the northwest corner of South Elwood Avenue and West 81st Street South. The tract is surrounded on the east and north by floodplain and is the fourth and final phase of the Stonebrooke Development. Underlying zoning is RS-3.

The original concept plan for The Reserve at Stonebrooke presented at a pre-development meeting on January 29, 2007 included an area which extended to the South Elwood Avenue and West 81st Street South section lines implying appropriate right-of-way dedication. Per that original plan it was also anticipated that the floodplain included in the area adjacent to South Elwood Avenue would be managed and protected through appropriate conditions in the PUD. The current proposal does not include this area in the PUD and therefore it cannot be addressed at this time.

Per the concept plan vehicular circulation and access is provided by a single access drive from the public collector street. Overall length of this internal dead-end street exceeds maximum length of 750 feet as permitted by the subdivision regulations. Although not a requirement of the Technical Advisory Committee (TAC), staff recommends additional access (in addition to or in replacement of the emergency access proposed) to public streets. If such access is not provided, a waiver of subdivision regulations will be required.

Although proposed lot sizes vary, the overall proposed density is well within the minimum requirements of the underlying RS-3 zoning. Therefore, staff finds the uses and intensities of development proposed and as modified by staff to be in harmony with the spirit and intent of the Code. Based on the following conditions, staff finds PUD-739 as modified by staff, to be: (1) consistent with the Comprehensive Plan; (2) in harmony with the existing and expected development of surrounding areas; (3) a unified treatment of the development possibilities of the site; and (4) consistent with the stated purposes and standards of the PUD Chapter of the Zoning Code.

Therefore, staff recommends **APPROVAL** of PUD-739 subject to the following conditions:

1. The applicant's Outline Development Plan and Text be made a condition of approval, unless modified herein.
2. Development Standards:

TOTAL PROJECT AREA: 24.9525 AC (Gross) 23.2058 AC (Net)

MAXIMUM PERMITTED DWELLING UNITS: 43 DU's

PERMITTED USES:

Single family detached dwellings and customary accessory uses as provided in Use Unit 6 of the City of Tulsa Zoning Code*.

MAXIMUM NUMBER OF LOTS: 43

MINIMUM LOT SIZE: 11,500 SF

MINIMUM LOT FRONTAGE:	80 FT**
MINIMUM LIVABILITY SPACE:	4,000 SF
MAXIMUM BUILDING HEIGHT:	45 FT
MAXIMUM BUILDING HEIGHT FOR ACCESSORY BUILDINGS:	35 FT
MINIMUM BUILDING SETBACKS: <i>(Including accessory buildings)</i>	
Front Yard	25 FT
Corner Lot Side Yard	20 FT
Rear Yard	20 FT
Side Yard	10 FT/10 FT

**Detached accessory buildings, such as a garage, including one living or servants quarters per lot may be permitted. Any accessory living or garage quarters may include a bath or kitchen provided that such quarters may only be occupied by servants or by members of the family related by blood, adoption or marriage. Such living quarters must be a part of the accessory garage structure. The living area of any such quarters, exclusive of the accessory of which it is a part shall not exceed 1,100 square feet.*

***Measured as the lot width at the midpoint between the front and rear lot lines.*

VEHICULAR AND PEDESTRIAN ACCESS AND CIRCULATION:

A minimum of two access points to public streets shall be provided. Such access shall be in addition to or in replacement of the proposed emergency access.

Sidewalks shall be provided along West 81st Street South, along the east side of the north/south collector street and on both sides of internal residential streets. Sidewalks along private streets must be placed within a reserve area or an easement.

3. No zoning clearance permit shall be issued for a lot within the PUD until a detail site plan for the lot, which includes all buildings, parking and landscaping areas, has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards. For single-family residential developments, the filed subdivision plat shall constitute TMAPC detail site plan approval.

4. A detail landscape plan for each lot not intended for a single-family residential structure shall be approved by the TMAPC prior to issuance of a building permit. A landscape architect registered in the State of Oklahoma shall certify to the zoning officer that all required landscaping and screening fences have been installed in accordance with the approved landscape plan for the lot, prior to issuance of an occupancy permit. The landscaping materials required under the approved plan shall be maintained and replaced as needed, as a continuing condition of the granting of an occupancy permit.
5. No sign permits shall be issued for erection of a sign on a lot within the PUD until a detail sign plan for that lot has been submitted to the TMAPC and approved as being in compliance with the approved PUD development standards.
6. Flashing signs, changeable copy signs, running light or twinkle signs, animated signs, revolving or rotating signs or signs with movement shall be prohibited.
7. All trash, mechanical and equipment areas, including building mounted, shall be screened from public view in such a manner that the areas cannot be seen by persons standing at ground level.
8. The Department of Public Works or a professional engineer registered in the State of Oklahoma shall certify to the appropriate City official that all required stormwater drainage structures and detention areas serving a lot have been installed in accordance with the approved plans prior to issuance of an occupancy permit on that lot.
9. A homeowners association shall be created and vested with sufficient authority and financial resources to properly maintain all private streets and common areas, including any stormwater detention areas, sidewalks, security gates, guard houses or other commonly owned structures or amenities within the PUD.
10. All private roadways shall have a minimum right-of-way of 30' and be a minimum of 26' in width for two-way roads and 18' for one-way loop roads, measured face-to-face of curb. All curbs, gutters, base and paving materials used shall be of a quality and thickness which meets the City of Tulsa standards for a minor residential public street. The maximum vertical grade of private streets shall be ten percent.
11. The City shall inspect all private streets and certify that they meet City standards prior to any building permits being issued on lots accessed by those streets. The developer shall pay all inspection fees required by the City.

12. No building permit shall be issued until the requirements of Section 1107F of the Zoning Code have been satisfied and approved by the TMAPC and filed of record in the County Clerk's office, incorporating within the restrictive covenants the PUD conditions of approval and making the City beneficiary to said covenants that relate to PUD conditions.
13. Subject to conditions recommended by the Technical Advisory Committee during the subdivision platting process which are approved by TMAPC.
14. Entry gates or guardhouses, if proposed, must receive detail site plan approval from TMAPC, Traffic Engineering and Tulsa Fire Department, prior to issuance of a building permit for the gates or guard houses.
15. Approval of the PUD is not an endorsement of the conceptual layout. This will be done during detail site plan review or the subdivision platting process.
16. There shall be no outside storage of recyclable material, trash or similar material outside a screened receptacle, nor shall trucks or truck trailers be parked in the PUD except while they are actively being loaded or unloaded. Truck trailers and shipping containers shall not be used for storage in the PUD.

TAC Comments from March 15, 2007:

General

Plat: A predevelopment meeting was held on January 29, 2007. Label and Dimension all three islands on 79th St. as "Reserves" and include standard language for maintenance, etc. [Traffic].

Covenants: No comments.

Conceptual: No comments.

Water

Plat: No comments.

Covenants: No comments.

Conceptual: No comments.

Fire

Plat: No comments.

Covenants: No comments.

Conceptual: No comments.

Stormwater

Plat: Hager Creek FEMA Floodplain needs to be labeled as such, removed from Reserve 'C' and placed in a separate Reserve as an Overland Drainage Easement. If construction of stormwater detention facilities requires additional fill in the Tulsa Regulatory Floodplain, then Compensatory Storage Easements may be required.

Covenants: See Reserve and Easement comments above. Both the Plat and the Conceptual Plan show Reserve B as a "Stormwater Detention Easement", therefore it should not be addressed in the covenants as an Overland Drainage Easement.

Conceptual: See Plat and Covenant comments.

Wastewater

Plat: No Comment

Covenants: No comment

Conceptual: The new Tulsa Hills project has approved plans to install an 8" sanitary sewer line adjacent to your East property line. You should contact Chris Evertz with Carter-Burgess (592-3904) to coordinate construction of that line, so properties adjacent to that line can connect to it.

Transportation

Plat: No comments.

Covenants: Standard language for sidewalks needs to be included.

Conceptual: No comments.

Traffic

Plat: Evaluate the Angle of Intersect for the intersection of 78th Pl. and Indian Ave. (+/- 90 deg. is required). Label and Dimension a "Reserve" for the Houston Ave. entry island.

Covenants: Include standard language for LNA.

Conceptual: Maintain a 36ft collector width for Houston Ave. to 79th St. Create two outbound lanes on Houston with a 100ft min. approach striping.

GIS

Plat: Correct Scale Bar. Show Surveyor's E-mail address. Not clear on date of preparation.

Covenants: No comments.

Conceptual: No comments.

Street Addressing:

Plat: No comments.

Covenants: No comments.

Conceptual: No comments.

County Engineer

Plat: No comments

Covenants: No comments

Conceptual: No comments

MSHP: West 81st Street South and South Elwood Avenue are designated secondary arterials. Sidewalks are required per subdivision regulations.

LRTP: West 81st Street South between South Elwood Avenue and South Union Avenue existing two lanes. Sidewalks should be constructed if non-existing or maintained if existing.

TMP: No Comment.

Transit: No current or future plans for this location.

TMAPC COMMENTS:

Mr. Ard stated that the two access points would be an important issue. In response, Ms. Matthews agreed.

Mr. Ard requested the applicant to address the issue regarding two access points.

Applicant's Comments:

Tim Terrell, Tulsa Engineering and Planning, 6737 South 85th East Avenue, Tulsa, OK 74133, stated that this project went to a predevelopment meeting with the City of Tulsa and TAC. He indicated that this project has been supported by Fire, Traffic and Transportation based on the plan before the Planning Commission today. There is one access to a public street and the proposing an emergency access to 81st Street. There were no comments or problems from Fire, Traffic or Transportation at either predevelopment meetings or TAC. At the TAC meeting this issue was brought up by staff and no one had any problems with it. If there is a requirement for two points of access there could be some potential problems due to stacking distances on 81st Street. There wouldn't be

enough stacking distance on 81st Street except for one-lot depth and they would need a turnaround at the gate. The most important issue would be site distances. The site distances east and west are good, but as one goes down the hill it could be problematic.

Mr. Terrell concluded that he didn't realize that there was an issue until yesterday regarding the access points. Mr. Terrell indicated that other than the access issue, he is in agreement with the staff recommendation.

TMAPC COMMENTS:

Mr. Ard asked if the Subdivision Regulations require a second point of public access outside of a fire crash gate situation. In response, Ms. Matthews stated that the issue came up because of the long length of the cul-de-sac. Ms. Matthews stated that staff is recommending approval conditional upon two access points.

Mr. Terrell stated that there are a number of subdivisions within the City that have the same situation. Mr. Terrell cited the various subdivisions in the subject area that have the same situation regarding access points.

Ms. Cantees asked Mr. Terrell to explain what he considers to be a crash gate. In response, Mr. Terrell stated that a crash gate is simply for emergency vehicles and they can get through. The gates are usually a locked gate, but there are varieties of crash gates.

Ms. Cantees asked Mr. Terrell what type of crash gate would be in place. In response, Mr. Terrell stated that the developer would make that decision. Mr. Terrell stated that it would have to meet with the Fire Department's approval.

Darryl French, Traffic Engineering, 200 Civic Center, stated that he has met with the applicant at the predevelopment and at TAC. Mr. French stated that every PUD should be evaluated on its own physical merits. This PUD is unique in that it has some significant drainageways on multiple sides. One of the other issues about the connection to 81st Street is that due to the drainage area, the grades would become an issue. He doesn't necessarily believe it is not feasible to have two access points, but it would require some technical considerations. Staff has a different recommendation and he will stay neutral on that specific one, but point out that the technical challenges that will occur if this is the final decision.

Mr. Ard asked Mr. French if he believes that the one entrance and one crash gate is adequate. In response, Mr. French stated that he believes that it was concluded that this was a reasonable design based on the physical conditions and challenges that surround the subject property. It is different from the typical cul-de-sac because the applicant has tried to minimize the probability by having the majority of the homes in the eastern third, which is serviced by the circular roadway system. These homes would have two different ways to get to a

different point on the dead-end portion. These are not 43 houses on a typical cul-de-sac. He is sure that the unnamed intersection next to Block 2 will exceed the 500 feet and technically staff is correct that the cul-de-sac will be over the 500-foot length allowed. This is not a true application of a cul-de-sac since it is not a straight cul-de-sac. An emergency access does reduce the problem of having an emergency type situation. The Subdivision Regulations is addressing the day-to-day use and impact and these are two different things, but the Planning Commission will have to come to a conclusion.

Mr. Boulden asked Mr. French what a crash gate is and what emergency access is. In his mind, a crash gate is the same as a crash bar on a fire escape that doesn't just allow emergency vehicles in, but lets anybody who might be trapped in the subdivision another way to get out. In response, Mr. French stated that this will be approved by the Fire Marshal and that allows any new technology.

Mr. Boulden stated that in an emergency situation when the only entrance is blocked by a chemical spill or whatever, a crash gate would be available for the residents. In response, Mr. French stated that usually the Fire Department and Police are the only ones who can open the crash gates since they are the first to respond. Mr. Boulden asked Mr. French, as a Traffic Engineer, if he is not concerned about whether the residents have another way in or out in an emergency. In response, Mr. French stated that he is convinced that the emergency services would be there to respond and assist them in jointly getting the gate open. The crash gate would be semi-paved, accessible and known to the Fire Department where its exact location is so that it can be found in the dark. The Fire Department is trained and experienced in doing this and he sees no reason to not have full faith and backing of the Fire Marshal's office in those endeavors. Mr. French stated that his part in all of this is where the crash gate would be located so that it will function.

Mr. Wofford asked if a 20-foot wide emergency access is plenty. In response, Mr. French stated that this is the standard and the Fire Marshal will see that in the platting process. Only one vehicle uses the access at a time.

Mr. Ard stated that at first the access issue bothered him, but the topography on 81st Street is severe toward Elwood. He feels better knowing that TAC has reviewed this and the Fire Marshal has given his conditional blessing.

Mr. Wofford stated that Mr. French's comment about the circle opposed to just a cul-de-sac per se is providing some flexibility.

TMAPC Action; 6 members present:

On **MOTION** of **WOFFORD**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to recommend **APPROVAL** of PUD-739 as presented and working its way through the Technical Advisory Committee with the 20-foot emergency access, which shall be finalized in the final plat.

Legal Description for PUD-739:

A tract of land located in the SE/4 of Section 11, T-18-N, R-12-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof, being more particularly described as follows: Commencing at the Southeast corner of Section 11, an ODOT Brass Cap; Thence N 89°48'30" W along the south line of the SE/4 of Section 11 a distance of 279.95' to the "Point of Beginning"; Thence continuing N 89°48'30" W along the south line of the SE/4 of Section 11 a distance of 1521.81'; Thence N 00°11'30" E and perpendicular to the south line of the SE/4 of Section 11, a distance of 50.00' to a non-tangent curve to the right; Thence along a non-tangent curve to the right with an initial tangent bearing of N 89°48'30" W, a central angle of 90°00'00", a radius of 30.00' and an arc length of 47.12'; Thence N 00°11'30" E a distance of 175.88' to a tangent curve to the right; Thence along a tangent curve to the right with a central angle of 15°53'46", a radius of 245.00' and an arc length of 67.97'; Thence N 16°05'16" E a distance of 60.49' to a tangent curve to the left; Thence along a tangent curve to the left with a central angle of 10°17'12", a radius of 255.00' and an arc length of 45.78' to a non-tangent curve to the left; Thence along a non-tangent curve to the left with an initial tangent bearing of S 05°48'05" W, a central angle of 79°42'48", a radius of 25.00' and an arc length of 34.78'; Thence S 73°54'44" E a distance of 274.11'; Thence N 16°05'16" E a distance of 89.20'; Thence N 69°28'02" E a distance of 520.61'; Thence N 38°45'01" E a distance of 397.44'; Thence N 31°00'58" W a distance of 127.77'; Thence N 89°54'54" E a distance of 547.25'; Thence S 00°05'06" E a distance of 192.79'; Thence S 16°24'32" E a distance of 209.52'; Thence S 06°40'43" W a distance of 577.37' to a point that is 50.00 feet measured perpendicular to the south line of the SE/4 of Section 11; Thence S 00°11'30" W a distance of 50.00' to the "POB". The non-astronomic bearings for said tract are based on an assumed bearing of N 89°48'30" W along the south line of the SE/4 of Section 11, T-18-N, R-12-E of the Indian Meridian, Tulsa County, State of Oklahoma, according to the Official U.S. Government Survey thereof. **From RS-3 (Residential Single-Family District) To RS-3/PUD (Residential Single-Family District /Planned Unit Development [PUD-739]).**

Application No.: PUD-379-5

MINOR AMENDMENT

Applicant: Lou Reynolds

(PD-18) (CD-7)

Location: 6612 South Memorial Drive

STAFF RECOMMENDATION:

The applicant is requesting a minor amendment to PUD-379 for the purpose of reducing the parking requirement associated with reuse of the former Mervyn's store as a gym and retail space and increasing permitted building height from 30 feet to 40 feet.

The proposed principal use (health club), Use Unit 19, requires one parking space per 150 square feet of floor area while the retail uses require one parking space per 225 square feet of floor area. The subject property contains 391 parking spaces. The proposed gym and retail space will require 448 parking spaces, a 12.7% reduction in parking. This reduction in parking was approved by the BOA on March 13, 2007 as requested per BOA-20452. In its approval the BOA noted that the former Mervyn's site has shared parking agreements with the remaining portion of The Village at Woodland Hills Shopping Center and that the parking ratios per the Zoning Code assume peak volumes for each use occurring simultaneously. In actuality, these peaks may occur at various times for the different tenants.

In addition, the applicant is requesting an increase in permitted building height to 40 feet to accommodate proposed changes to the building's façade. On December 6, 2006, TMAPC approved a similar request (PUD 379-4) to increase permitted building height for improvements to the strip retail center on Lot 1, Block 1, The Village at Woodland Hills.

Therefore, in keeping with BOA approval of the reduction in parking and TMAPC's previous approval to increase building height for Lot 1, Block 1 of PUD 379, staff recommends **APPROVAL** of PUD 379-5 as requested.

The applicant indicated his agreement with staff's recommendation.

TMAPC COMMENTS:

Mr. Ard stated that this project is a good example of allowing some flexibility in parking for overlapping uses. This is an example of how the Planning Commission can reduce the huge parking lots.

Ms. Matthews stated that the reduction of huge parking lots is something that staff is hoping to address in the next couple of years and something that she will be looking for at the APA Conference.

There were no interested parties wishing to speak.

TMAPC Action; 6 members present:

On **MOTION** of **WOFFORD**, TMAPC voted **6-0-0** (Ard, Cantees, Cantrell, Midget, Shivel, Wofford "aye"; no "nays"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to **APPROVAL** the minor amendment for PUD-379-5 per staff recommendation.

* * * * *

Application No.: Z-7053

RS-1 TO CH

Applicant: Warren G. Morris

(PD-5) (CD-5)

Location: 8745 East 11th Street

STAFF RECOMMENDATION:

RELEVANT ZONING HISTORY:

Z-6957 November 2004: All concurred in approval of a request to rezone a 158' x 277'± square foot tract from RS-3 to CS on property located south of the southeast corner of East 12th Street and South Memorial Avenue.

Z-6849, March 2002: All concurred in rezoning the northern 130' of Lot 2 Block 13, Clarland Acres, west of the subject property, from OL to RS-1.

Z-6682 March 1999: All concurred in approval of a request to rezone a 280' x 305'± square foot tract from RS-1 to CS on property located on the northeast corner of East 11th Street and South 83rd East Avenue.

Z-6626 May 1998: A request to rezone a 125' x 138' tract located on the southeast corner of East 11th Street and South 83rd East Avenue from RS-1 to CG was recommended by staff and TMAPC for denial of CG; all concurred in approval of CS zoning on the tract.

BOA-17362, April 1996: The City Board of Adjustment denied a request for a Special Exception to allow a Christopher Youth Center at 8734 East 9th Street, north and west of the subject property.

BOA-16028 April 1992: The City Board of Adjustment approved a Special Exception to permit a Use Unit 5 for a public school in an R district per plan submitted on property located on the northeast corner of East 11th Street and

South 89th East Avenue and abutting east of subject property across South 89th East Avenue.

Z-6187, November 1987: The TMAPC and Board of City Commissioners approved rezoning from RS-1 to OL for Lot 2 Block 13, Clarland Acres, and west of the subject property.

Z-6173 September 1987: All concurred in denial of CS zoning for a proposed medical office on property located on the northwest corner East 11th Street and South 87th East Avenue but in the alternative approval of OL zoning was granted.

Z-4535, November 1973: All concurred in rezoning Lot 3 Block 13, Clarland Acres, west of the subject property, from OL to CS.

Z-2941, July 1967: The TMAPC and Board of City Commissioners approved rezoning of property at Lot 4 Block 13, Clarland Acres, west of the subject property, from U-1A (single-family residential) to U-3B (light office).

AREA DESCRIPTION:

SITE ANALYSIS: The subject property is approximately 40,600 square feet in size and is located northwest corner of East 11th Street and South 89th Avenue. The property appears to be in single-family residential use with related accessory buildings and some outdoor storage and is zoned RS-1.

STREETS:

Exist. Access	MSHP Design	MSHP R/W	Exist. # Lanes
East 11 th Street	Secondary arterial	100'	Four w/turning lane
South 89 th East Avenue	N/A	N/A	Two (with median)

UTILITIES: The subject tract has municipal water and sewer available.

SURROUNDING AREA: The subject tract is abutted on the east by Lindbergh Elementary School, zoned RS-2; on the north by single-family residentially used land, zoned RS-1; on the south by a service station zoned CS; and on the west by the Eastwood Baptist Church bus ministry parking lot zoned CS. To the southeast is vacant land, zoned CH.

RELATIONSHIP TO THE COMPREHENSIVE PLAN:

The District 5 Plan, a part of the adopted Comprehensive Plan for the Tulsa Metropolitan Area, designates this area as being Medium Intensity – No Specific land use. According to the Zoning Matrix, the requested CH zoning **is not** in accord with the Plan. However, CS zoning in the alternative **is** in accord with the Plan.

STAFF RECOMMENDATION:

Based on the Comprehensive Plan and surrounding uses/intensities, staff cannot recommend CH zoning. However, staff can support CS zoning in the alternative and that would be allowed under the current notice and in accord with the Comprehensive Plan. Therefore, staff recommends **APPROVAL** of CS zoning for Z-7053. However, staff notes that Use Unit 17 (Automotive and Related Uses) may be allowed by Special Exception through the Board of Adjustment under CS zoning. If the applicant's intent is to pursue this venue, the Board of Adjustment should be on notice that South 89th East Avenue is a narrow street with a center median and that there are concerns with Lindbergh Elementary School across the street to the east and the remaining residential uses to the north. The residential neighborhood to the north appears to be stable, although the Eastwood Church parking lot is a significant intrusion.

Applicant's Comments:

Warren G. Morris, 2532 East 46th Place, 74105, stated that the subject property has been used for parking tractors and heavy equipment in the past 30 years. He explained that the property owner is deceased and the property is being sold. Mr. Morris cited the surrounding CH- and CS-zoned properties and the various uses within the subject area.

TMAPC COMMENTS:

Ms. Cantrell asked if the rezoning is simply to sell the subject property or if there is a particular use that is planned. In response, Mr. Morris stated that there are no plans for any use at this point. He thought the CH zoning would be a good fit due to the zoning across the street. The subject property has been essentially used as CH property for many years.

INTERESTED PARTIES:

Barbara James, 920 South 89th East Avenue, 74112, stated that she lives north of the subject property and she has several reasons for not wanting the subject property rezoned to commercial of any kind. Ms. James expressed concerns for the school across the street and the traffic congestion in the subject area. There are narrow streets and there are no sidewalks or shoulders for the students to walk on. She expressed fears that a commercially-zoned property would hurt the value of her home. Ms. James requested that the Planning Commission deny the CH zoning request and she would prefer that it remain residentially zoned. Ms. James submitted a petition and letters of protest (Exhibit C-1 and C-2).

TMAPC COMMENTS:

Ms. Cantrell asked Ms. James if the neighborhood would be in favor of OL zoning. In response, Ms. James answered affirmatively.

Mr. Midget stated that CS zoning is the most restrictive of the commercial zoning. A car lot could not be on the subject property if is rezoned CS without going

before the Board of Adjustment requesting a special exception, which would require another public hearing. Mr. Midget explained that his comments are due to what is surrounding the subject property. Ms. James cited the surrounding commercially-zoned properties and OL-zoned properties within the subject area.

INTERESTED PARTIES:

Jackie Dutton, 731 South 89th East Avenue, 74112, stated that she has lived in the subject area for 15 years and owns a small business on 11th Street. Ms. Dutton expressed concerns for the students in the subject area and traffic. Ms. Dutton submitted traffic counts and crime stats for the subject area (Exhibit C-3). The proposal will contribute to the already congested traffic situation in the subject area. The subject property has access onto 89th East Avenue, but not onto 11th Street. Ms. Dutton disputed the comment that there was always various heavy equipment and products on the subject property. There were lawnmowers on the subject property. She indicated that there is not inadequate easement to construct sidewalks in the subject area. There is a lot of pedestrian traffic and vehicle traffic in the subject area. Ms. Dutton requested that the CH zoning be denied and requested that the subject property remain residentially zoned.

TMAPC COMMENTS:

Mr. Midget asked Ms. Dutton if she stated she is against any zoning change. In response, Ms. Dutton answered affirmatively.

Darryl French, Traffic Engineering, 200 Civic Center, representing Public Works, stated that he doesn't usually get involved with straight zoning, but he wanted to clarify some physical information. There is a continuous median on the four-lane arterial and the subject property would be a right-turn access only onto 11th Street. The collector street, 89th East Avenue, is a very rare boulevard-type design and the median extends approximately $\frac{3}{4}$'s of the subject lot so any access for commercial zoning would be restricted to the southernmost $\frac{1}{4}$ area closest to the intersection. The depth of the lot is an asset, but the limited access would likely be in the southernmost area of the property.

Mr. Ard asked if there would be enough room between the south end of the median and 11th Street to provide access for commercial use. In response, Mr. French stated that physically there would be room for a driveway and it would be adequate for their commercial use and it would also add to the congestion because of the location. Mr. French explained that since it is not an arterial the City wouldn't have any restrictions on the driveway, unless there are any zoning criteria that wouldn't allow it. If this was a PUD, then recommendations could be made regarding access, but this is straight zoning and it is not on an arterial. The zoning needs to be appropriate based upon the physical facts.

Mr. Wofford asked Mr. French if there is adequate room for access off of 11th Street onto the subject property. In response, Mr. French stated that there is

adequate frontage for access off of 11th Street, but it would have to be a right-turn only because of the continuous median on 11th Street.

Applicant's Rebuttal:

Mr. Morris stated that he would be in agreement with the CS zoning. He explained that there are 99 people waiting for the rezoning and sale of the subject property to settle the deceased owner's will. He indicated that he would not allow the subject property to be sold for a car lot.

Mr. Morris explained that the subject property was used commercially over the past 30 years. He recently sold two tractors, four cars and two pickups that were being stored on the subject property.

TMAPC COMMENTS:

Ms. Cantrell asked Mr. Morris if he would consider office zoning. In response, Mr. Morris stated that he didn't think the OL zoning would work. There is commercially-zoned property up and down the street. He explained that a business may want to use the existing home for an office, but it would require a lot of remodeling.

Mr. Midget stated that once property is sold the owner can put whatever he wishes if it is rezoned CH. The CS zoning is restrictive, but he doesn't believe it is appropriate for the subject property primarily because the streets are narrow and across the street from the schools. He could support OL zoning.

Ms. Cantrell and Mr. Ard agreed with the OL zoning and felt that the CS would be too intrusive to the schools and existing neighborhood.

Ms. Cantrell suggested office medium, which would allow more than one story.

Mr. Ard reminded the neighborhood that the likelihood that the subject property would be a single-family residence is slim. Residential properties facing arterials are difficult to sell or rent for residential use. Office use would probably work well in this situation and improve the subject property and enhance the value of surrounding properties.

Mr. Ard recognized Mr. Morris.

Mr. Morris stated that he has been at this over 50 years and dozens of times the traffic issues were shot down because that is not an issue with straight zoning.

Mr. Ard stated that traffic can't be one of the concerns but his concern is that the subject property is near a school and there is a lot of pedestrian traffic in the subject area. He further stated that he believes that some type of office zoning is a better fit rather than commercial.

Mr. Midget stated that he has looked at traffic flow and congestion before considering zoning and PUDs. He also looked at the intensity of the use of the subject property and the impact it would have on the neighborhoods. It is not the only thing he considers, but in all fairness the traffic has to be looked at. The primary issue is the intensity of the use and CH is not compatible for the subject area, so he can't support it.

Ms. Cantrell stated that she would move to rezone the subject property to OM.

Mr. Midget stated that he would second the motion if Mr. Morris will accept OM or it can be left at RS-1.

Mr. Morris reiterated that he has been at this for over 50 years and he doesn't think it is proper to consider the traffic. He indicated that he would agree with whatever the Planning Commission chooses.

Ms. Cantees recognized Ms. Dutton.

Ms. Dutton stated that her home is at the lowest point between 7th and 9th Streets. There is no possibility of ever having sidewalks in the subject area and the kids have to walk on the street. Recently the subject area was taken off of the floodplain maps due to some work done at Mingo Creek. Office use wouldn't be a good fit either. She expressed concerns that development for office or commercial would cause flooding onto her land.

TMAPC Action; 6 members present:

On **MOTION** of **CANTRELL**, TMAPC voted **5-1-0** (Ard, , Cantrell, Midget, Shivel, Wofford "aye"; Cantees "nay"; none "abstaining"; Bayles, Carnes, Harmon, Miller "absent") to recommend **APPROVAL** of OM zoning for Z-7053 as modified by the Planning Commission.

Legal Description for Z-7053:

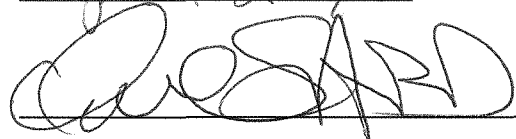
Lot 2, Block 12, Clarland Acres, an addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof; **From RS-1 (Residential Single-Family District) To OM (Office Medium Intensity District).**

* * * * *

There being no further business, the Chair declared the meeting adjourned at 3:10 p.m.

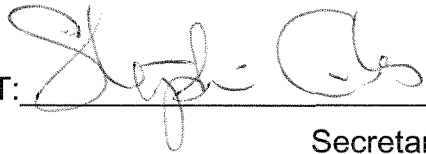
Date Approved:

April 25, 2007



Chairman

ATTEST:



Secretary

